DOCUMENT RESUME

ED 455 656 EC 308 544

AUTHOR	Ahearn, Eileen
TITLE	Public Charter Schools and Students with Disabilities. ERIC Digest E609.
INSTITUTION	ERIC Clearinghouse on Disabilities and Gifted Education, Arlington, VA.
SPONS AGENCY	Office of Educational Research and Improvement (ED), Washington, DC.
REPORT NO	EDO-EC-01-4
PUB DATE	2001-06-00
NOTE	4p.
CONTRACT	ED-99-CO-0026
AVAILABLE FROM	ERIC Clearinghouse on Disabilities and Gifted Education, Council for Exceptional Children, 1110 North Glebe Rd., Arlington, VA 22201-5709. Tel: 800-328-0272 (Toll Free); Fax: 703-620-2521; e-mail: ericec@cec.sped.org. For full text: http://www.ericec.org.
PUB TYPE	ERIC Publications (071) -- ERIC Digests in Full Text (073)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Charter Schools; Compliance (Legal); Decision Making; *Disabilities; Elementary Secondary Education; Federal Regulation; Nontraditional Education; *Public Schools; Regular and Special Education Relationship; School Based Management; School Choice; School District Autonomy; *School Policy; *Special Education

ABSTRACT

This digest examines the unique nature of public charter schools, explains their obligations to students with disabilities, and presents the results of two federally funded studies of special education in charter schools. It finds wide variations among the 37 states which permit charter schools. The digest stresses the importance of the legal identity of the charter school, such as whether the school is an independent local education agency or tied in varying degrees to a larger district. Among the studies' findings are the following: enrollment of students with more significant disabilities in charter schools is relatively rare; most schools have little data to document the impact of their programs on students with disabilities; and most charter school operators have limited understanding of special education funding sources. Two critical policy conflicts are identified: (1) team vs. parental choice in educational decision making; and (2) charter school autonomy vs. regulation of special education. The digest concludes that charter schools need to be connected with a special education infrastructure. (Contains 10 resources.) (DB)

ED 455 656

ERIC CLEARINGHOUSE ON DISABILITIES & GIFTED EDUCATION

ERIC DIGEST
E609

EDO-EC-01-4

JUNE 2001

PUBLIC CHARTER SCHOOLS & STUDENTS WITH DISABILITIES

By

EILEEN AHEARN

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
✓ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

EC 308544

BEST COPY AVAILABLE

ERIC Clearinghouse on Disabilities and Gifted Education
1110 North Glebe Road, Arlington, Virginia 22201-5704
1-800-328-0272 ericec@cec.sped.org http://ericec.org

Digest
E609

EDO-EC-01-4

June 2001

Public Charter Schools and Students with Disabilities

Eileen Ahearn

Charter schools are a relatively new component of the public education system in the United States. At the start of the 2000-2001 school year, 37 states in the United States had adopted legislation permitting charter schools, and over 2,000 charter schools were in operation with approximately 500,000 students. This digest examines the unique nature of these schools, explains their obligations in relation to serving students with disabilities, and presents the results of current research on special education in charter schools.

What Are Charter Schools?

A charter school is most often described as a new or converted public school founded by parents, teachers, or others, and operated with various levels of autonomy from state or local rules or policies. Charter schools are selected by parents for their children to attend, so they are considered "schools of choice." Each charter school has a written charter or contract issued by an authorizing body in accordance with state law. However, because each state law is different, it is impossible to give a uniform definition of charter schools or to generalize about details of their operation.

Do Charter Schools Serve Students With Disabilities?

Although public charter schools are afforded some level of exemption from state or local laws or requirements, they must conform to all federal laws and regulations including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA). A charter school is prohibited by law from discriminating in admissions and must accept every student who applies or hold a lottery if there are more applicants than the school can accommodate. Recruitment and admissions are addressed in a set of questions and answers regarding the application of federal civil rights laws to public charter schools published by the U. S. Department of Education's Office of Civil Rights (2000).

What Are Some of the Issues Related to Special Education in Public Charter Schools?

The legal identity of the charter school under state law largely determines the specific responsibilities it has for its students with disabilities. There are two extremes: the charter school may be its own separate district, usually referred to as a local education agency (LEA); or the charter school may be one of the schools of a traditional district. There are also charter schools that have ties with LEAs that fall between these two extremes. If the charter school is its own LEA, it is responsible for all aspects of special education including evaluations, programs, and related services. By contrast, in some states, the LEA of the child's residence is responsible for special education for all its students even if they attend charter schools operated independently from the district.

Thus, there are profound legal, financial, and operational implications in the legal identity of a public charter school. It is critical that charter schools understand the nature of their linkage with the local district and/or intermediate unit, especially with respect to their responsibilities for providing a free appropriate public education to children with disabilities.

Charter schools are also affected by many of the same pressures faced by other public schools, such as finding appropriate special education staff, accessing fiscal resources, and integrating special education into the overall program of the school.

What Does Research Reveal About Students with Disabilities in Charter Schools?

The U.S. Department of Education has funded two studies to examine special education in charter schools.

The first study, conducted by the research firm, Westat, is called *Charter Schools and Students with Disabilities: A National Study* (Fiore, Harwell, Blackorby, & Finnigan, 2000). It involved visits to 32 charter schools where parents, teachers and students were interviewed about why the parents chose to enroll their children with disabilities in a charter school, the ways charter schools serve those students, and how successful charter schools have been in meeting their goals. The study found that

- Enrollment of students with more significant disabilities in charter schools is relatively rare, except in schools specifically designed for these students.
- Parents of students with disabilities enroll their child in a charter school for a combination of reasons related to attractive features of the charter school and negative experiences with the previously attended school.
- Staff at some charter schools may "counsel" parents of students with disabilities against enrolling in the charter school. However, other schools are specifically designed to serve these students and other at-risk learners.
- Most charter schools use the term "inclusion" to describe their approach to serving students with disabilities. The meaning of the term varies across schools.
- By almost all accounts, students with and without disabilities receive more individualized attention at the charter school than they did at their previous school.
- Although accountability is a central feature of charter schools, most of them have little data to document the impact of their program on students with disabilities. However, parents and students themselves are confident about the students' success at charter schools. Factors identified as supporting student suc-

EC 308544

cess include caring and dedicated teachers and small schools and classes.

- Some barriers encountered include lack of adequate funding, strained relationships with local districts, lack of extracurricular activities, and transportation.

The second federally funded study was supported by a field-initiated grant to the National Association of State Directors of Special Education (NASDSE). The study, *Project SEARCH: Special Education As Requirements in Charter Schools* (2001), focused on the implementation of special education policy in the nation's public charter schools. Some of the Project SEARCH findings follow:

- There is much variability and a great need for defining specific roles and responsibilities of state education agencies (SEAs), LEAs and other administrative units, and individual charter schools in relation to special education.
- Charter school application and contracting processes often provide little more than assurances that special education services will be provided; they generally do not require demonstration of the capacity to meet those obligations.
- Most charter school operators have limited understanding of federal/state/local sources of special education funding and how to access these resources.
- Charter schools often have difficulty locating appropriate special education staff, including teachers and related services personnel.
- A charter school's philosophy and curricular orientation can cause conflict between the school's goals and special education requirements.

Two critical policy conflicts that underlie many of the specific findings of the study were identified:

- Team decision-making vs. parental choice—the tension between the special education principle of individualized educational decision-making through a team and the primacy of parental choice, a major characteristic of charter schools, and
- Autonomy vs. regulation—conflict that arises from the compliance and procedural regulation associated with special education and the principle of autonomy that is so central to the charter school concept.

What is Needed to Increase the Capacity of Charter Schools to Provide Special Education?

To ensure appropriate compliance, school districts employ an administrator of special education who is knowledgeable about legal requirements, proper procedure, and the delivery of services. Since most charter schools are very small and their funding is limited, their staffs seldom include such an individual. Yet, for purposes of implementing IDEA, charter schools need to be connected in some way with a special education infrastructure. This could be accomplished through an existing LEA, the SEA, a cooperative organized to provide special education support, or some other structure. Access to the necessary expertise, provided in a way that does not compromise the autonomy of the charter school and its mission, is essential to ensure appropriate services for students with disabilities and protect the charter schools from the serious consequences of avoidable non-compliance.

Research has revealed that everyone involved with charter schools—authorizers, state and district officials, operators and charter school staff—needs to understand the policy conflicts that surround the implementation of special education in charter schools and their need for a supportive connection to special education expertise. Such understanding will contribute significantly to the improvement of results for students with disabilities who attend public charter schools.

References

Internet resources cited in this document were current at the time of publication. Please note that Web addresses are subject to change.

Ahearn, E. M., McLaughlin, M. J., Lange, C. M., & Rhim, L. M. (in press). Project SEARCH: *A national study of special education in charter schools.* Alexandria, VA: National Association of State Directors of Special Education. To be available online at www.nasdse.org/project_search.htm.

Fiore, T. A., Harwell, L. M., Blackorby, J., & Finnigan, K. S. (2000). *Charter schools and students with disabilities: A national study.* Washington, DC: U. S. Department of Education, Office of Educational Research and Improvement. (available online at www.uscharterschools.org)

Nelson, B., Berman. P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D. (2000). *The state of charter schools 2000: Fourth-year report. Washington,* DC: U.S. Department of Education, Office of Educational Research and Improvement. (available online at www.uscharterschools.org). ED 437724. ♦

U.S. Office for Civil Rights. (2000, December). *Applying federal civil rights laws to public charter schools.* Washington, DC: U.S. Department of Education. (available online at www.dssc.org/frc/fed/ocr_charter.htm). ED 443233. ♦

Additional Resources

Ahearn, E. M. (1999). *Charter schools and special education: A report on state policies.* Alexandria, VA: National Association of State Directors of Special Education. ED 429416 ♦

Fiore, T. A. & Cashman, E. R. (1998). *Review of charter school legislation provisions related to students with disabilities.* Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement. ED 426511 ♦

Fiore, T. A., Warren, S. H., & Cashman, E. R. (1999). *Charter schools and students with disabilities: Review of existing data.* Washington, DC: U. S. Department of Education, Office of Educational Research and Improvement. ED 426575) ♦

Studies funded by the U. S. Department of Education, Office of Educational Research and Improvement: www.ed.gov/pubs/studies.html#Charter.

Center for Education Reform: www.edreform.com/pubs/chglance.htm (National statistics on charter schools are maintained and regularly updated on this website.)

U.S. Charter Schools: www.uscharterschools.org

♦ **References with an ED number are available for a fee through the ERIC Document Reproduction Service (EDRS) at http://edrs.com/ or call 800.443.3742.**

ERIC Digests are in the public domain and may be freely reproduced and disseminated, but please acknowledge your source.

This digest was prepared with funding from the Office of Educational Research and Improvement (OERI), U.S. Department of Education (ED) under Contract No. ED-99-CO-0026. The opinions expressed in this publication do not necessarily reflect the positions or policies of OERI or ED.